

RE-ENROLLED ORIGINAL

AN ACT
D.C. ACT 16-248

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JANUARY 4, 2006

*Codification
District of
Columbia
Official Code*

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To amend section 47-2834 of the District of Columbia Official Code to create a Class E vending license for people who vend, on a temporary or permanent basis, goods, or services in the vending demonstration area as defined by the District of Columbia Municipal Regulations; to issue 29 Class E licenses to the Public Space Planning and Management Corporation, a District of Columbia nonprofit corporation ("PSPMC"), to be used as necessary and appropriate to further the purposes of the vending demonstration program licenses; to authorize the PSPMC to subcontract its Class E licenses, first to persons who either had a District vending license that lapsed within 15 years prior to the effective date of this act for reasons other than misconduct, or who have or had continuously possessed a valid District vending license for any 25-year period, and then to any person, to operate a vending business within the vending demonstration area; to provide a termination date for all Class E licenses; and to amend Chapter 5 of Title 24 of the District of Columbia Municipal Regulations to require that a moratorium on the issuance of new vending licenses in the District be lifted no later than October 15, 2006; to require that the Mayor submit a report by no later than June 1, 2006, in anticipation of the lifting of the moratorium, describing how it will be implemented; to allow for a 90-day period of city-wide implementation of the demonstration study recommendations upon the lifting of the moratorium; to require notice, by certified mail within 30 days, of any legislative, regulatory or policy changes affecting vending in the District, to each District vendor registered at the Department of Consumer and Regulatory Affairs, at his or her address of record.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may cited as the "Vending Licensing Moratorium Amendment Act of 2005".

Sec. 2. Section 47-2834 of the District of Columbia Official Code is amended by adding a new subsection (a-1) to read as follows:

Amend
§ 47-2834

"(a-1)(1) A Class E license shall not require the payment of a license fee for persons who vend in the vending demonstration area, as defined in subsection 501.4(g) of Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, the goods or services as permitted by a permanent or temporary Class A, B, C, or D licenses under subsection (a) of this section.

"(2)(A)(i) Notwithstanding the requirements of this section or Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, including any required certification or fees, the Mayor shall, within 10 days of the effective date of the Vending Licensing Moratorium Amendment Act of 2005, passed on reconsideration on December 20, 2005 (Re-Enrolled version of Bill 16-347), issue 29 Class E licenses to the Public Space Planning and Management

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Corporation, a District of Columbia nonprofit corporation ("PSPMC"), to be used as necessary and appropriate to further the purposes of the vending demonstration program.

"(ii) Class E licenses may be altered or revoked at any time.

"(iii) At the discretion of the Mayor, the Class E licenses may terminate 90 days after the expiration of the moratorium as set forth in section 505 of Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, upon their return to the Mayor by the PSPMC, upon the termination or completion of the contractual obligations between the District and the PSPMC for the management of the vending demonstration program, or upon the PSPMC ceasing to function as a District of Columbia nonprofit corporation.

"(iv) All Class E licenses shall terminate 365 days after the expiration of the moratorium.

"(B)(i) Class E licenses shall be non-transferable. Notwithstanding any prohibitions of this section or Chapter 5 of Title 24 of the District of Columbia Municipal Regulations, the PSPMC may subcontract its rights to vend under a Class E license to any person who had been issued a District vending license that lapsed within 15 years prior to the effective date of the Vending Licensing Moratorium Amendment Act of 2005, passed on reconsideration on December 20, 2005 (Re-Enrolled version of Bill 16-347), for reasons other than those delineated in section 509 of Chapter 5 of Title 24 of the District of Columbia Municipal Regulations or who had previously possessed a valid District vending license for a continuous 25-year period ("previously licensed vendors"); provided, that the subcontract to previously licensed vendors under this sub-subparagraph shall be for the term of the Class E license.

"(ii) During the first 120 days after the effective date of the Vending Licensing Moratorium Amendment Act of 2005, passed on reconsideration on December 20, 2005 (Re-Enrolled version of Bill 16-347), the PSPMC may subcontract, on a temporary basis, its rights to vend under a Class E license that has not been subcontracted to a previously licensed vendor; provided, that previously licensed vendors shall receive first preference for a subcontract for the license.

"(iii) One hundred and twenty days after the effective date of the Vending Licensing Moratorium Amendment Act of 2005, passed on reconsideration on December 20, 2005 (Re-Enrolled version of Bill 16-347), the PSPMC may subcontract its rights to vend under any remaining Class E licenses to any person to vend within the demonstration area; provided, that a solicitation of offers to previously licensed vendors was published within 30 days of the effective date of the Vending Licensing Moratorium Amendment Act of 2005, passed on reconsideration on December 20, 2005 (Re-Enrolled version of Bill 16-347), in a newspaper of general circulation.

"(iv) A subcontract under this subparagraph shall not be valid until the PSPMC files with the Mayor a notice of subcontract, together with a copy of the subcontract and an appropriate filing fee consistent with existing regulations."

Sec. 3. Chapter 5 of Title 24 of the District of Columbia Municipal Regulations is amended by adding new subsections 505.11 and 505.12 to read as follows:

DCMR

"505.11 Notwithstanding any other provision of this chapter, the moratorium under subsection 505.10 of this section shall be lifted no later than October 15, 2006. The findings and recommendations of the demonstration study shall be implemented city-wide no later than 90 days after the expiration of the moratorium. The Mayor shall submit a report by no later than June 1, 2006, in anticipation of the lifting of the moratorium, describing the manner in which

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findings and recommendations of the demonstration study will be implemented.

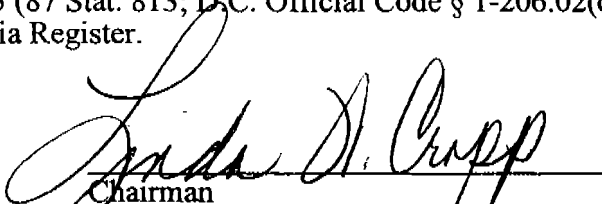
"505.12 The Mayor shall deliver or mail, by certified mail, within thirty (30) days, notice of any legislative, regulatory, or policy changes affecting vending in the District, to each District vendor registered at the Department of Consumer and Regulatory Affairs, at his or her address of record."

Sec. 4. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 5. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1), and publication in the District of Columbia Register.


Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
January 4, 2006